

RESOLUTION NO. 20051201-025

WHEREAS, the City Council of the City of Austin has found that public necessity requires the City of Austin to acquire a certain real property interest for public purposes as set out below; and

WHEREAS, the City of Austin has attempted to purchase the needed real property interest but has been unable to agree with the owner on the fair market value thereof; **NOW, THEREFORE**,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the City Attorney, or other authorized designee, is hereby authorized and directed to file, or cause to be filed, a suit in eminent domain on behalf of the City of Austin against the owner now having, or who may acquire, an interest in the real property interest needed by the City, described and located below, for the public purposes set out below, and to take whatever other action may be deemed appropriate to economically effect the needed acquisition.

The City Attorney, or other authorized designee, shall file eminent domain proceedings for:

Owner: CMH Homes, Inc.

Project: Govalle 3 - Carson Creek at Montopolis Drive Project, a portion of the Austin Clean Water Program

Intended Purpose: the temporary ingress and egress easement described in the attached Exhibit "A" is necessary to access permanent wastewater lines and appurtenances thereto, to install, operate, maintain, repair, replace, and upgrade those wastewater lines in order to increase and improve the City's ability to provide sanitary sewer services to the public, to prevent leakage from wastewater lines, and to comply with a federal mandate.

Location: 6645 East Ben White Boulevard, along the south line of the roadway and to the east of Montopolis Drive, Austin, Texas.

Property: Described in the attached and incorporated Exhibit A.

ADOPTED: December 1, 2005

ATTEST: Shirley A. Brown
Shirley A. Brown
City Clerk

CMH Homes, Inc.,
to the
City of Austin
(Temporary Ingress & Egress Easement)

FIELD NOTES FOR PARCEL 5105.06 TIAEE

ALL OF THAT CERTAIN 0.206-ACRE (8,976 SQUARE FEET) TRACT OR PARCEL OF LAND OUT OF THE SANTIAGO DEL VALLE GRANT, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS, SAID 0.206-ACRE TRACT BEING A PORTION OF LOT 1, LUTON SUBDIVISION, AS RECORDED IN BOOK 91, PAGES 250-251 OF THE PLAT RECORDS OF TRAVIS COUNTY, TEXAS AND CORRECTED IN VOLUME 11964, PAGE 1914 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS.; SAID LOT 1 HAVING BEEN CONVEYED TO CMH HOMES, INC., A TENNESSEE CORPORATION, BY WARRANTY DEED DATED JUNE 9, 1995 AND RECORDED IN VOLUME 12456, PAGE 469 OF THE REAL PROPERTY RECORDS OF TRAVIS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

Commencing for **POINT OF REFERENCE** at a ½" iron rod found on the south right-of-way line of State Highway 71- East Ben White Boulevard (200' wide right-of-way), said ½" iron rod found being the common north corner of the above referenced Lot 1, Luton Subdivision and Lot 1, Boughan-Sims Subdivision as recorded in Book 82, Page 223 of the Plat Records of Travis County, Texas; Thence, with the common lot line of said Lot 1, Luton Subdivision and said Lot 1, Boughan-Sims Subdivision, S21°54'13"E a distance of 324.75 feet to a 60d nail set having Texas State Plane Coordinate (Texas Central Zone, NAD83/93 HARN, U.S. Feet, Combined Scale Factor 0.99995348) values of N=10,050,694.116, E=3,126,530.824, for the northeast corner and **POINT OF BEGINNING** of the herein described tract of land;

THENCE, continuing with said common line, S21°54'13"E a distance of 30.25 feet to a 60d nail set for the southeast corner of this tract;

THENCE, crossing said Lot 1, Luton Subdivision, the following three (3) courses:

1. S75°26'56"W a distance of 190.10 feet to a 60d nail set at an angle point of this tract,

2. N79°29'59"W a distance of 35.43 feet to a 60d nail set on the north line of an existing City of Austin fifteen (15)-foot sanitary sewer easement recorded in Volume 4050, Page 1339 of the Deed Records of Travis County, Texas, at an angle point of this tract;
3. With said sanitary sewer easement, S76°17'01"W a distance of 172.97 feet to a 60d nail set on the common line of said Lot 1, Luton Subdivision and a 28.686-acre tract conveyed to the Lower Colorado River Authority (LCRA) by general warranty deed dated March 29, 2000 as recorded in Document No. 2000046599 of the Official Public Records of Travis County, Texas, for the southwest corner of this tract;

THENCE, with said common line, N21°37'47"W a distance of 15.14 feet to a 60d nail set for the northwest corner of this tract;

THENCE, crossing said Lot 1, Luton Subdivision, the following two (2) courses:

1. N76°17'01"E a distance of 174.95 feet to a 60d nail set at an angle point of this tract, and
2. N75°26'56"E a distance of 218.21 feet to the POINT OF BEGINNING and containing 0.206-acre (8,976 square feet) of land, more or less.

I HEREBY CERTIFY that these field notes were prepared by Landmark Surveying, Inc. from a survey made on the ground April, 2005 under my supervision.

Prepared by Landmark Surveying, Inc.

 Dana A. Markus-Wolf
 Registered Professional Surveyor No. 4996
 June 29, 2005

Bearing Basis: Texas State Plane Coordinates, Central Zone 4203, NAD '83 Horizontal Grid Coordinates for the reference monuments SOCC AND A740 as established and published by the Lower Colorado River Authority were used as the controlling monuments for this survey. Combined scale factor=0.99995348.

5105.06 TIAEE lot 1 Luton sub_rev1.doc
 Austin Map No. 646, Grid No. L17
 TCAD No. 0314130301

FIELD NOTES REVIEWED
 By:  Date: 6-29-05
 Austin Clean Water Program
 Survey Coordinator

SURVEY OF A PORTION OF LOT 1, LUTON SUBDIVISION, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

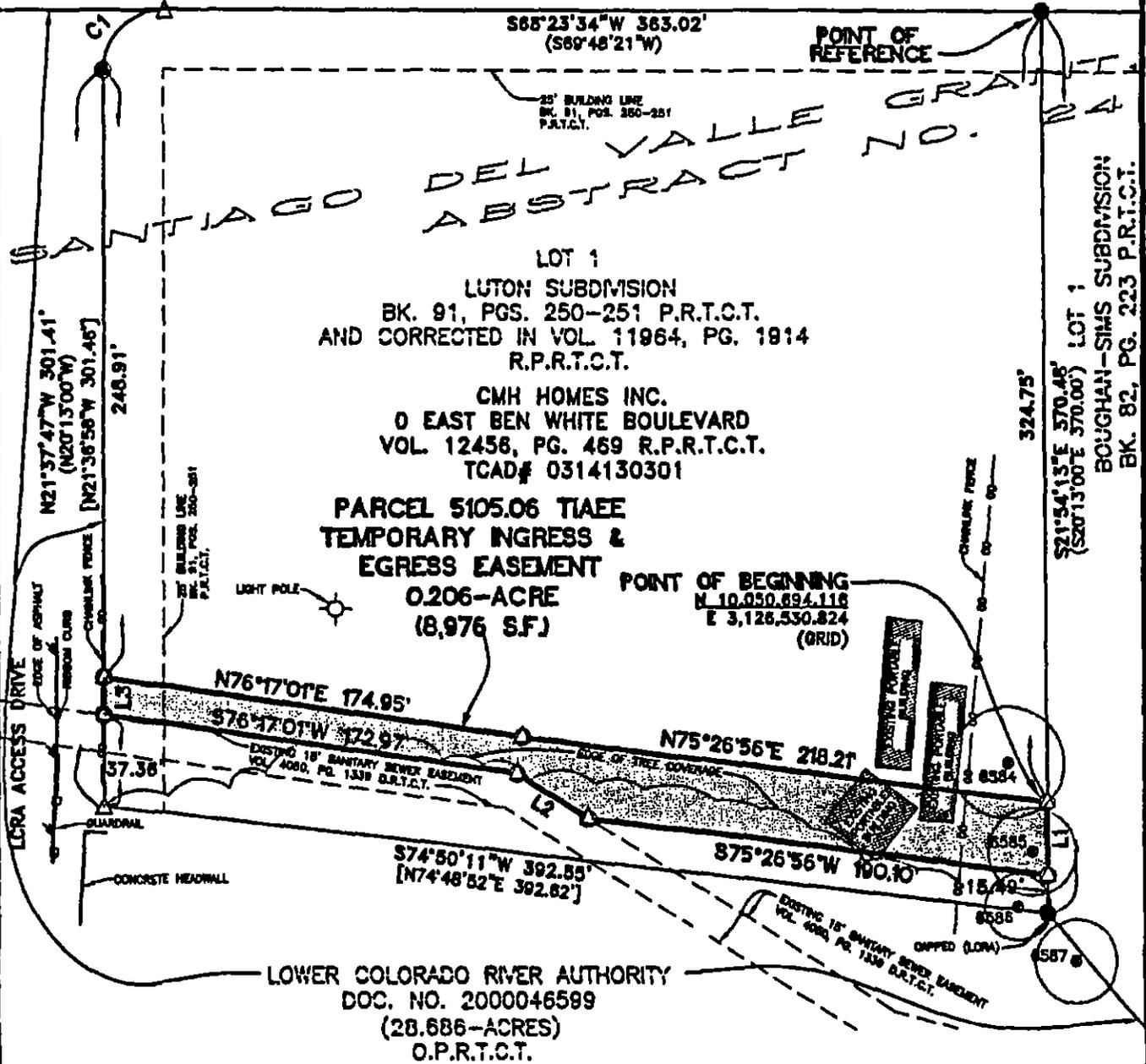
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SKETCH TO ACCOMPANY FIELD NOTES



SCALE 1"=80'

**EAST BEN WHITE BOULEVARD
(STATE HIGHWAY 71) (200' ROW)**



**LOWER COLORADO RIVER AUTHORITY
DOC. NO. 2000046589
(28.686-ACRES)
O.P.R.T.C.T.**

Revised: June 29, 2008
Client: OTC, Inc.
Date: MAY 2, 2003
Office: BRL/Arvones
Crew: JH
Field: 740/21 & 744/1
Files: 5\BTHOM\pencil-Corson\Landmark Drawings\grid-Staff\Drawings\CC-gridBase-J.dwg
Cops: 51\Lee\other\corson creek\...
Job No: 480-07-05

Exhibit "A"
Page 3 of 4

Landmark
SURVEYING, INC.
1801 S. CAPITAL OF TEXAS HWY.
BUILDING B, SUITE 318
AUSTIN, TEXAS 78748
PH: (512)328-7411 FAX: (512)328-7413

SURVEY OF A PORTION OF LOT 1, LUTON SUBDIVISION, CITY OF AUSTIN, TRAVIS COUNTY, TEXAS

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LEGEND

- 1/2" IRON ROD FOUND (UNLESS OTHERWISE NOTED)
- 1/2" IRON ROD SET
- PK NAIL FOUND WITH SHINER
- ▲ NAIL SET
- △ CALCULATED POINT (NOT ESTABLISHED ON GROUND)
- () RECORD INFORMATION AS SHOWN ON THE RECORDED PLAT OF LUTON SUBDIVISION, BK.91, PGS. 250-251 P.R.T.C.T.
- [] RECORD INFORMATION AS SHOWN ON A GENERAL WARRANTY DEED CONVEYED TO THE LCRA, DOC. NO. 2000048599 O.P.R.T.C.T.
- BK. BOOK
- PG. PAGE
- VOL. VOLUME
- ROW RIGHT-OF-WAY
- P.R.T.C.T. Plat Records Travis County, Texas
- D.R.T.C.T. Deed Records Travis County, Texas
- O.P.R.T.C.T. Official Public Records Travis County, Texas
- R.P.R.T.C.T. Real Property Records Travis County, Texas

TREE LIST

- MS = MULTI-STEM
- PO = POST OAK
- MES = MESQUITE
- P = PECAN
- LO = LIVE OAK
- RO = RED OAK
- HB = HACKBERRY
- CB = CHINABERRY

TREE TAG NO. DESCRIPTION

8584	MS 17" 12"	COTTONWOOD
8585	18"	WILLOW
8586	MS 9" 8"	HB
8587	MS 12" 10"	CB
8588	MS 14" 12"	HB
8589	CL (12-12-12-11)	36" CB

LINE TABLE

LINE	BEARING	DISTANCE
L1	S21°54'13"E	30.25'
L2	N79°29'59"W	35.43'
L3	N21°37'47"W	15.14'

CURVE TABLE

CURVE	CHORD BEARING	CHORD DISTANCE	CHORD DELTA	ARC LENGTH	RADIUS
C1	S23°39'46"W (S24°55'16"W)	35.54' (35.43')	90°36'44" (90°13'34")	39.54' (39.37')	25.00'

COMMITMENT NOTE:

All easements of which I have knowledge and those recorded easements furnished by Commonwealth Land Title Insurance Company according to Commitment No. 2519001192, effective May 8, 2005 are shown or depicted hereon. Other than visible easements, no unrecorded or unwritten easements which may exist are shown hereon.

RESTRICTIVE COVENANTS AND EASEMENTS

1. Restrictive covenants and easements as recorded in Book 91, Page 250 of the Plat Records Travis County, Texas DO AFFECT the proposed easement.
2. A twenty-five (25') foot building line along the West and North property line of Lot 1, Luton Subdivision as recorded in Book 91, Page 250 of the Plat Records of Travis County, Texas DOES AFFECT the proposed easement.
3. An easement granted to City of Austin as recorded in Volume 4050, Page 1339 of the Deed Records of Travis County, Texas and shown on Book 91, Page 250 of the Plat Records of Travis County, Texas DOES NOT AFFECT the proposed easement.

BEARING BASIS NOTE:

NAD 83 COORDINATE SYSTEM (GRID)
 TEXAS CENTRAL (4203)
 COMBINED SCALE FACTOR 0.99995318
 NAVD 88 VERTICAL DATUM OF
 HORIZONTAL AND VERTICAL COORDINATES FOR SOCC AND A740 AS PUBLISHED BY THE LCRA, WERE USED AS THE CONTROLLING MONUMENTS FOR THIS SURVEY.

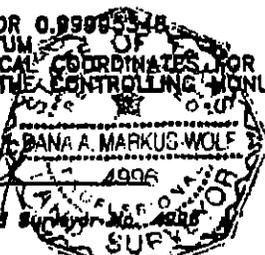
SKETCH TO ACCOMPANY FIELD NOTES



Landmark SURVEYING, INC.

1301 S. CAPITAL OF TEXAS HWY.
 BUILDING 8, SUITE 315
 AUSTIN, TEXAS 78748
 Ph: (512)328-7411 FAX: (512)328-7413

AS SURVEYED BY
 LANDMARK SURVEYING, INC. DANA A. MARKUS-WOLF
 Dana A. Markus-Wolf
 Registered Professional Land Surveyor No. 4288
 DATE: JUNE 29, 2005



THIS SURVEY PLAT IS VALID ONLY IF IT BEARS THE ORIGINAL SIGNATURE AND SEAL OF THE ABOVE SURVEYOR.

Exhibit "A"
 Page 4 of 4

Revised: June 29, 2005
 Client: Dixon, Inc.
 Survey: MAY 8, 2005
 Office: Stillmeadow
 Project: 447
 P.L.S.: 240/21 & 744/1
 Plots: D:\OTHON\servo\J-Corson\Landmark Drawings\grid-Steff\Easements\CC-gridbase-3.dwg
 Cages: or\Lee\often\corson area\...
 Job No.: 400-07-08